

(1) Number of pages 114

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	2622	Press
		~~Mis.~~
1934.		
Dated	12-9-	18.64.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
12th September 1864.*

No. 193. Read the following Memorandum from the Superintending Engineer, 4th Division, dated Camp, Sandawash, 27th August 1864, No. 2,489:—

Read the following letter from Captain H. W. WOOD, R. E., Executive Engineer, Fort Range, to Colonel A. J. M. BOILEAU, R. E., Superintending Engineer, 4th Division, dated Fort Saint George, 23rd August 1864, No. 250.

SIR,

1. I have the honor to request you will obtain the sanction of Government to the writing off to the head "profit and loss" the sum of Rupees 131-8-7, standing at the debit of the Account Current of this Range as an advance for bricks to Messrs. Durnford.

2. The circumstances connected with this case are as follows.

3. Captain Rawlins, late Garrison Engineer, Fort Saint George, advanced a sum of Rupees 500 to the parties above named on 1st March 1860; recoveries from this sum were made from time to time up to 21st November 1861, when there remained Rupees 131-8-7 unadjusted and still owing to the Government.

4. Soon after taking charge of the Fort Office in April 1862, I was directed by the District Engineer, Colonel Hitchins, to request the Government Solicitor to take steps for recovering the sum due by Messrs. Durnford.

5. The Government Solicitor having addressed Messrs. Durnford on the subject, was met by an allegation on their part that the debt had been liquidated, and that they held Major Rawlins' acknowledgment proving their statement. This acknowledgment does not appear to have been shown to the Government Solicitor.

6. During August, September and October 1862 I was absent on sick leave, and the matter remained in abeyance until my return, when on 15th November of that year I again requested the Government Solicitor to take legal steps against Messrs. Durnford for the recovery of the money.

7. On 15th September 1863 I (in reply to a demi-official letter from the Government Solicitor) forwarded a copy of a letter from Lieutenant Tulloch to the address of the District Engineer Presidency, dated 17th August 1861, with which certain vouchers are transmitted to the latter Officer showing that a counter-claim which Messrs. Durnford appear to have made upon Government was groundless. This counter-claim was set up by Messrs. Durnford against the debt due by them to the Government.

8. Captain Prendergast (who succeeded Colonel Hitchins as District Engineer) had some correspondence with the Government Solicitor regarding the case: but the up-shot of the whole was that the vouchers transmitted to the District Engineer's Office by Lieutenant Tulloch, which showed that Messrs. Durnford's counter-claim was without foundation, have never been able to be traced.

9. Under these circumstances the Government Solicitor is of opinion that he is hardly in a position to press the claim against Messrs. Durnford, and I therefore beg you will obtain the sanction of Government to the debt being written off to "Profit and Loss."

10. I beg to annex to this letter (1) copy of Lieutenant Tulloch's communication to the District Engineer above spoken of, this is the last trace of the original documents which exists; (2) copy of letter from the Government Solicitor to my address No. 297, dated 31st May last.

11. I may as well here mention that neither Captain Prendergast nor Captain Beckley can find the original vouchers forwarded by Lieutenant Tulloch, although every search has been made for the same.

From Lieutenant H. TULLOCH, R. E., 1st Assistant District Engineer, to the District Engineer, Presidency, dated Fort Saint George, 17th August 1861, No. 612.

SIR,

1. With reference to your Memorandum No. 726, dated 16th August 1861, I have the honor to inform you in reply that the claim made by Mr. Durnford for the value of the rejected bricks is incorrect, as will be seen by the enclosed Statements.

3 Statements; bundle of correspondence containing five papers including cadjan leaf.

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*Proceedings of the Madras Government, Public Works Department,
12th September 1864.*

2. According to the request contained in your Memorandum No. 425, dated 5th July 1861, I was prepared to forward the above Statements to the Government Solicitor in the event of Mr. Durnford's case being re-submitted to him.

* Rupees 231-8-7.

3. No effort, however, is now being made by Mr. Durnford to liquidate the amount* due by him to this Department.

(A true Copy.)

(Signed) H. W. WOOD, Captain, R. E.,

Executive Engineer, Fort Range.

From J. R. BOYSON, Esq., Government Solicitor, to Captain H. W. WOOD, R. E., Executive Engineer, Fort Range, dated Madras, 31st May 1864, No. 297.

SIR,

1. I have the honor to acknowledge your letter No. 49 of the 20th instant.

2. I have made careful enquiry and cannot find that the original accounts to which you refer in paragraph 4 of your letter above acknowledged, were ever submitted, or sent to my *locum tenens*, Mr. Miller, during my absence in Europe, or were ever in my office.

3. Unless further research and enquiry leads to your discovering such evidence, documentary or parol, as will tend to rebut and discredit the case put forward by Mr. Durnford and on which he now relies viz., that the claim of your Department against him was more than paid off by the value of certain bricks belonging to him, rejected by your Department on inspection but subsequently taken for Government use, and of certain cart hire, and for which bricks and hire he had not been given credit in account; it would, in my opinion, be most undesirable for Government to sue Mr. Durnford, for the result would almost inevitably be a verdict in Mr. Durnford's favor, involving the payment by Government of his costs as well as their own; and the imputation of having put forward and insisted on a claim that could not be sustained.

4. I fear that, at this distance of time, there is but little prospect of your getting together such evidence as I should consider sufficient to warrant me in taking proceedings on behalf of Government; but I nevertheless think it desirable that you should prosecute further enquiries for the missing accounts and the subordinates who kept them and superintended the works in question.

5. Should those enquiries fail in any satisfactory result, I then recommend you to obtain sanction for writing off the balance to "profit and loss."

6. I shall put away the papers and consider the matter finally disposed of so far as I am concerned unless I hear from you again.

(True Copy.)

(Signed) H. W. WOOD, Captain, R. E.,

Executive Engineer, Fort Range.

Accompaniments.

- 1 Letter No. 250, dated 23rd August 1864.
- 1 Do. " 612, dated 17th do. 1864.
- 1 Do. " 297, dated 31st May 1864.

Rupees 131-8-7, represented to have been advanced to one Mr. Durnford on account of bricks, being written off to "profit and loss" as it is clear the amount cannot now be recovered.

(Signed) A. J. M. BOILEAU, Colonel, R. E.,

Superintending Engineer, 4th Division.

No. 194.

ORDER THEREON, 12th September 1864, No. 2,622.

Under the circumstances represented, the Government grant authority for the sum of Rupees 131-8-7 being written off to "profit and loss." They would observe, however, that the

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12th September 1864.*

loss of the papers referred to in paragraph 7 of Captain Wood's letter evinces great carelessness on the part of the establishment of the late District Engineer Presidency.

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,

Deputy Secretary to Government.

To the Superintending Engineer, 4th Division.
" Controller of Public Works Accounts.
" Accountant General.

Exd. S. T. Augustin.

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N. 250.

From Captain C. W. Wood R. E.
Executive Engineer S. R.

To The Superintending Engineer
4th Division
Madras.

Sir,

I have the honor to request you will obtain the sanction of Government to the writing off to the head Profit and Loss the sum of Rupees 131-8-7 standing at the debit of the account Current of this range as an advance for bricks to Messrs Durnford.

2. The circumstances connected with this case are as follows.

3. Captain Rawlin's late Garrison Engineer Port Saint George advanced a sum of Rupees Five hundred to the parties above named on 1st March 1860, recoveries from this sum were made from time to time up to 21st November 1861 when there remained Rs. 131-8-7 unadjusted and still owing to the Govt.

4. Soon after taking charge of the Port Office in April 1862 I was directed by the District Engineer Colonel Kitchen to request the Government Solicitor to take steps for recovering the sum due by Messrs Durnford.

5. The Government Solicitor having addressed
Messrs.

Messrs. Durnford on the subject was met by an allegation on their part that the debt had been liquidated and that they held Major Rawlin's acknowledgment proving their statement. This acknowledgment does not appear to have been shown to the Government Solicitor.

6 During August, September and October 1862 I was absent on sick leave and the matter remained in abeyance until my return when on 15th November of that year I again requested the Government Solicitor to take legal steps against Messrs. Durnford for the recovery of the money.

7 On 15th September 1863 I in reply to a demi official letter from the Government Solicitor forwarded a copy of a letter from Lieut. Tulloch to the address of the District Engineer Presidency dated 17th August 1861 with which certain Vouchers are transmitted to the latter Officer showing that a counter claim which Messrs. Durnford appear to have made upon Government was groundless. This counter claim was set up by Messrs. Durnford against the debt due by them to the Government.

8 Captain Prendergast (who succeeded Colonel Michie as District Engineer) had some correspondence

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pendence with the Government Solicitor regarding the case: but the upshot of the whole was that the Vouchers transmitted to the District Engineer's Office by Lieut. Tulloch which showed that Messrs. Durnford's counter claim was without foundation have never been able to be traced.

9 Under these circumstances the Government Solicitor is of opinion that he is hardly in a position to press the claim against Messrs. Durnford and I therefore beg you will obtain the sanction of Government to the debt being written off to "Profit and Loss."

10 I beg to annex to this letter (1) Copy of Lieut. Tulloch's communication to the District Engineer above spoken of - this is the last trace of the original documents which exists. (2) Copy of letter from the Government Solicitor to my address No. 297 dated 31st May last.

11 I may as well here mention that neither Captain Prendergast nor Captain Beekley can find the original Vouchers forwarded by Lieut. Tulloch altho' every search has been made for the same.

I have the honor to be
Sir
Your most Obedt. Servant

Robert
1864

Robert
District Engineer Fort Campbell

No 612.

From Lieutenant H. Sulist P.E.
1st Asst District Engineer
To The District Engineer
Presidency

Sir, With reference to your Memo.
No 726 dated 16th Aug^r 1861. I have the
honor to inform you in reply that the
claim made by Mr. Dunsford for the value
of the rejected bricks is incorrect as will
be seen by the enclosed statements.

According to the request contained
in your Memo No 425. dated 5th July 1861
I was prepared to forward the above state-
ments to the Government Solicitor
in the event of Mr. Dunsford's case being
resubmitted to him.

No effort however is now being
made by Mr. Dunsford to liquidate the
amount due by him to this Department.

I have
Signed H. Sulist P.E.
1st Asst District Engineer

A true Copy

Approved Capt. P.E.
Executive Engineer Fort Rangoon.

Enclosure: 3. Statements. Bundle of
Correspondence. Containing
5 Papers including Captain Sulist's

Forth Smith Group
17th August 1861

To be sent to Mr. 24898/27
August 1861.

No 2767

1000/841/15

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N. 297.

Madras May 31st 1864.

From

John Robert Brown.
Government Solicitor, Madras

To

Captain H. W. Wood. R. E.
Executive Engineer, S. R.

Sir

1 I have the honor to acknowledge your letter N. 49
of the 20th Instant.

2 I have made careful enquiry, and cannot find that
the original accounts to which you refer in para 4 of your
letter above, acknowledged, were ever submitted, or sent to any
locum tenens, Mr. Fuller, during my absence in Europe, or
were ever in my Office.

3 Unless further research and enquiry leads to your discovering
such evidence, ~~documentary or other~~ it will tend to, ~~substantiate~~ ~~and~~
discredit the case put forward by Mr. Durnford, and on which
he now relies vizt that the claim of your Department against
him, was more than paid off by the value of certain bricks
belonging to him, rejected by your Department on inspection
but subsequently taken for Government use and of certain
cart hire and for which bricks and hire he had not been
given credit in account; it would, in my opinion, be
most undesirable for Government to sue Mr. Durnford,
for the result would almost inevitably be a Verdict in
Mr. Durnford's favor, involving the payment by Government
of his costs as well as their own; and the imputation of
having put forward and insisted on a claim that could not
be sustained.

4. I fear that, at this distance of time, there is but little
prospect of your getting together such evidence as I should
consider sufficient to warrant me in taking proceedings on
behalf of Government; but I nevertheless think it desirable
that you should prosecute further enquiries for the missing
accounts, and the subordinates who kept them and
superintended the works in question.

29/1/78 C. Webb

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Should those enquiries fail in any satisfactory result, I then recommend you to obtain sanction for writing off the balance to Profit and Loss.

I shall put away the papers and consider the matter finally disposed of so far as I am concerned unless I hear from you again.

I have the honor to be

Yours

Your most obedient servant

(Signed) A. R. B. B. B.

Government Solicitor

1 Enclosure

Amr

Captain R. E.

Engineer H. A.

29/1/78 E. C. B.

